IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 1153 OF 2005

PRAVIN HIMATLAL MEGHANI .. PETITIONER

Vs.

FATIMA HUSSENI RADHANPURWALA & ORS. RESPONDENTS

Mr. Jimmy Mehta with H. G. Bhambhani for petitioner

Mr. R.H. Bhandari h/f Ms. J.P. Thakkar for R-1

Mr. J.S. Kini for R-2

CORAM:-SMT. RANJANA DESAI, J.

DATED:-11/4/05

P.C.

Heard learned counsel for the parties. I am informed that the Division Bench of the Small Causes Court at Mumbai has made R. A. D. & E. Suit No. 1155/1905 of 2002 time bound. As per the order passed by that court the trial court has to dispose of the suit by 30/9/05. I am informed that analogous issues are involved in R A D & E Suits No. 1153/1903/02 and 1154/1904/02. These suits are expedited by the trial court but there is no

time frame.

2. The parties are agreed that evidence in all the three suits will be common. If that is so it would be only proper for the parties to approach the Small Causes Court to have all the three suits tagged together and request the Small Causes Court to dispose them of by 30/9/05. The Small Causes Court will consider whether they could be disposed of on a day to day basis. Such application should be made after giving notice to all the parties. On such application being made the Small Causes Court will pass appropriate orders. It is admitted that the Small Causes Court has appointed the Receiver on 14/10/03, however, the said order is not yet executed. The plaintiff and defendant will take steps to ensure that that order takes efffect.
3. It is clarified that this court has not expressed any opinion on the merits of the case of the petitioner in this petition. Petitioner will be at liberty to reagitate all the contentions. Liberty to the petitioner to file a fresh petition and mention this matter before the court., if the circumstances demand. Petition is disposed of.
4. Parties to act on authenticated copy of this order.

.....